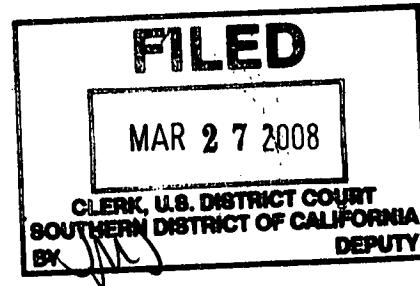


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UNITED STATES OF AMERICA



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) Case No. 08-CR-95 BEN

**Plaintiff,**

**STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

JOSE VILLAREAL-RAMOS (1),

Defendant.

**IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Stewart M. Young, Assistant United States Attorney, and defendant JOSE VILLAREAL-RAMOS, by and through and with the advice and consent of defense counsel, Leila Morgan, Esq., that:

1. Defendant agrees to execute this stipulation on or before (a) a material witness deposition is held and further agrees to participate in a full and complete inquiry by the Court into whether defendant knowingly, intelligently and voluntarily entered into the stipulation. Defendant further agrees to plead guilty to count 8 of the Indictment charging defendant with Transportation of Aliens, in violation of 8 U.S.C. § 1324(a)(1)(A)(ii) and (v)(II).

2. Defendant acknowledges receipt of a plea agreement in this case and agrees to provide the signed, original plea agreement to the Government before or on the disposition date set by the Court.

3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or

1 before March 30, 2008.

2       4. The material witnesses in this case, Fernando Hernandez-Vasquez, Jose Francisco  
 3 Sanchez-Rubi, Hector Guzman-Garcia, Mirta Lolanda Luna-Portillo, Jaime Antonio Preciado-  
 4 Garcia, :

- 5           a. Are aliens with no lawful right to enter or remain in the United States;
- 6           b. Entered or attempted to enter the United States illegally on or about December  
 7 12, 2007 or December 21, 2007;
- 8           c. Were found in the presence of a footguide, defendant JOSE VILLAREAL-  
 9 RAMOS, or in a vehicle driven by co-defendant Sergio Preciado-Garcia, or in a house and harbored  
 10 by caretaker co-defendant Concepcion Garcia-Orozco, who knew or acted in reckless disregard of  
 11 the fact that they were aliens with no lawful right to enter or remain in the United States;
- 12           d. Were paying or having others pay on their behalf, to defendant or others, to  
 13 be brought into the United States illegally and/or transported illegally to their destination therein;  
 14 and,
- 15           e. May be released and remanded immediately to the Department of Homeland  
 16 Security for return to their country of origin.

17       5. After the material witnesses are ordered released by the Court pursuant to this  
 18 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
 19 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,  
 20 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

- 21           a. The stipulated facts set forth in paragraph 4 above shall be admitted as  
 22 substantive evidence;
- 23           b. The United States may elicit hearsay testimony from arresting agents  
 24 regarding any statements made by the material witness(es) provided in discovery, and such testimony  
 25 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
 26 of (an) unavailable witness(es); and,
- 27           c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),

1 "testimonial: hearsay statements are not admissible against a defendant unless defendant confronted  
 2 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
 3 waives the right to confront and cross-examine the material witness(es) in this case.

4 6. By signing this stipulation and joint motion, defendant certifies that defendant has  
 5 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
 6 further that defendant has discussed the terms of this stipulation and joint motion with defense  
 7 counsel and fully understands its meaning and effect.

8 Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
 9 immediate release and remand of the above-named material witness(es) to the Department of  
 10 Homeland Security for return to their country of origin.

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12 It is STIPULATED AND AGREED this date.

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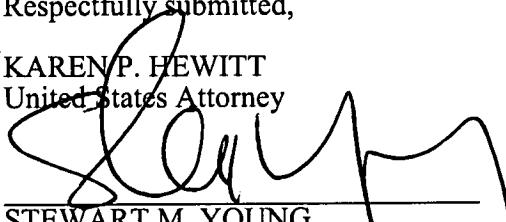
Respectfully submitted,

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KAREN P. HEWITT  
 United States Attorney

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Dated: 3/26/08.

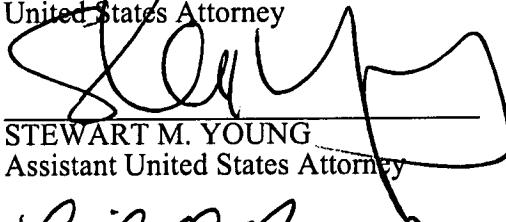
  
 STEWART M. YOUNG

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Assistant United States Attorney

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Dated: 3/27/2008.

  
 LEILA MORGAN, ESQ.  
 Defense Counsel for JOSE VILLAREAL-RAMOS

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Dated: 3/27/2008.

  
 JOSE EDUARDO V.R.  
 JOSE VILLAREAL-RAMOS  
 Defendant

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Stipulation of Fact and Joint Motion for Release of  
 Material Witness(es) And Order Thereon in  
 United States v. Villareal-Ramos

## ORDER

Upon joint application and motion of the parties, and for good cause shown,  
**THE STIPULATION** is admitted into evidence, and,  
**IT IS ORDERED** that the above-named material witness(es) be released and remanded  
forthwith to the Department of Homeland Security for return to their country of origin.

6 || SO ORDERED.

7 Dated: 5/27/08

United States Magistrate Judge

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28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Villareal-Ramos